

1 HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 LOWELL EDWARD JACKSON,

11 Petitioner,
12 v.
13 CHUCK E. ATKINS,
14 Respondent.

CASE NO. C17-6085 RBL

ORDER

15 THIS MATTER is before the Court on Lowell Edward Jackson's Motion for
16 Reconsideration [Dkt. #17] of the Order Adopting the Magistrate Judge's Report and
17 Recommendations [Dkt. # 15].

18 Jackson initially filed his Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. §
19 2254. The Court referred the petition to the Magistrate Judge. The Magistrate Judge correctly
20 observed that Jackson was challenging his pretrial detention, and that because no state court
21 judgement had been entered against Jackson, a § 2254 petition was inappropriate. The Court
22 adopted the Magistrate Judge's Report and Recommendation denying Jackson's § 2254 petition
23 with leave to refile as a § 2241 petition. *See* Dkt. 15.

In his Motion for Reconsideration, Jackson avers that his custody status has changed since he initially filed his § 2254 petition, specifically that on June 14, 2018 he was sentenced to a 69-month term of imprisonment in the custody of the Washington Department of Corrections. Jackson has filed a notice of address change to reflect that he is presently incarcerated at the Washington Corrections Center in Shelton. Dkt. 14. Jackson asserts that a § 2254 petition is now the appropriate avenue for him to challenge his post-conviction confinement.

Because Jackson now appears to be in custody pursuant to the judgment of a state court, the Motion for Reconsideration [Dkt. #15] is **GRANTED**. *See McNeely v. Blanas*, 336 F.3d 822, 824 n.1 (9th Cir. 2003). Jackson’s § 2254 petition is re-referred to Magistrate Judge Creatura.

IT IS SO ORDERED.

Dated this 23rd day of July, 2018.

Ronald B. Lightner

Ronald B. Leighton
United States District Judge